



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AUG 01 2017

Jim Pio
Attn: J. Matthew Wolfe, Esq.
4256 Regent Square
Philadelphia, PA 19104

RE: MUR 7192

Dear Mr. Pio:

This is in reference to the complaint you filed with the Federal Election Commission on November 7, 2016. After considering the circumstances of this matter, the Commission decided to dismiss this matter and closed the file on July 27, 2017. The Factual and Legal Analysis, which more fully explains the basis for the Commission's determination, is enclosed.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016), effective September 1, 2016.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

If you have any questions, please contact Wanda Brown, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

A handwritten signature in black ink, appearing to read "Lisa J. Stevenson", is written over the typed name and title.

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure
Factual and Legal Analysis

FACTUAL AND LEGAL ANALYSIS

I. INTRODUCTION.

II. FACTUAL AND LEGAL ANALYSIS

Respondents acknowledge that Brendan Boyle sent the email requesting contributions on behalf of state candidate Kevin Boyle.³ Further, Respondents admit that the email did not

³ Resp. at 1 (Mar. 3, 2017).

1. contain information regarding the Act's limitations and prohibitions. However, Respondents
2. also assert that it is unlikely that the email prompted prohibited or excessive contributions, and
3. provided sworn statements that Kevin Boyle received only \$1,170 in donations, all from
4. individuals, between the date of the email and the general election.⁴

5. The Act and Commission regulations prohibit federal candidates, federal officeholders,
6. agents acting on their behalf, and entities that are directly or indirectly established, financed,
7. maintained, controlled by, or acting on behalf of federal candidates or officeholders from
8. soliciting,⁵ receiving, directing, transferring, spending, or disbursing funds in connection with an
9. election for non-federal office, unless the funds are subject to the limitations, prohibitions, and
10. reporting requirements of the Act."⁶

11. Although the Respondents admit that Brendan Boyle sent an email soliciting funds for his
12. brother that were not limited to funds permissible under the Act, they provided sworn statements
13. that the state committee received only \$1,170 in donations between the date of the email and the
14. election. Given the *de minimis* amount of the contributions in question, and the information
15. provided by the Respondents suggesting that those contributions did not violate the Act's source
16. prohibition and amount limitations, and in furtherance of the Commission's priorities, relative to

⁴ *Id.* See Resp. Attach. 2, Scott Heppard Affidavit (Mar. 1, 2017). In affidavits from Lindsay F. Angerholzer, treasurer for the Committee, and Scott Heppard, volunteer campaign manager for the state committee, Kevin Boyle received only five contributions totaling \$1,170 between the date of the email and the date of the general election. Although Respondents admit that it is not possible to tell whether these five contributions were made through the electronic link in the email, Heppard avers that a review of the contributor history indicates that none of the contributors made aggregate contributions that exceeded \$2,700. Further, Heppard asserts that the five contributors had made earlier contributions to Kevin Boyle's state campaign and, therefore, had provided occupation and employer information, and had previously affirmed that their contributions were made by the individual and not by a corporation or labor union.

⁵ Solicitations include communications that provide instructions on how or where to send contributions, or identify a Web address that redirects to a page dedicated to making a contribution. 11 C.F.R. § 300.2(m)(1)(ii).

⁶ 52 U.S.C. § 30125(e)(1)(B); 11 C.F.R. § 300.62.

1 other matters pending on the Enforcement docket, the Commission exercised its prosecutorial
2 discretion to dismiss the allegation that Brendan Boyle and Citizens for Boyle and Lindsay F.
3 Angerholzer in her official capacity as treasurer violated 52 U.S.C. § 30125(e) and closed the file
4 as to all Respondents.⁷

⁷ *Heckler v. Chaney*, 470 U.S. 821 (1985).